

# EXHIBIT B

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Fax / Phone:

To: Luisa Bigornia  
BioMarin Pharmaceuticals Inc.

(415) 382-3511 / (415) 884-6709

From: Maria L. Maebius  
202-942-8452

Date: August 4, 2003

Note:

**Please find attached declarations for execution**

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Client Matter Number: 104385.140

Return To: Jacquelyn Price

Transmitted by: \_\_\_\_\_

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202-942-8400 • FAX 202-942-8484

MARIA L. MAEBIUS

202-942-8452  
[maria.maebius@haldorr.com](mailto:maria.maebius@haldorr.com)

August 4, 2003

**VIA FACSIMILE**

Dr. Luisa Bigornia  
BioMarin Pharmaceuticals Inc.  
371 Bel Marin Keys Boulevard, Suite 210  
Novato, CA 94949

Re: U.S. Patent Application No. 08/722,659  
Title: Use of Heparinase to Decrease Inflammatory Response  
Inventors: Bennett et al.; Filed: September 27, 1996  
Our Reference No.: 104385.140

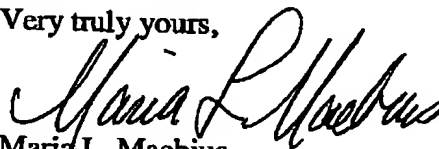
Dear Luisa:

Further to our letter of March 20, 2003, we have received a Board of Patent Appeals and Interferences Docketing Notice from the U.S. Patent and Trademark Office. The above referenced application has been assigned Appeal No. 2003-1678.

In addition, attached are the four Declarations under 37 CFR 1.132 for the execution by Dominique Fink, Elizabeth Cauchon, Brigitte Grouix, and Ariane Hsia for your review. Please let me know if you need assistance locating these inventors.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Maria L. Maebius

MLM:dal  
Enclosure  
cc: Hollie Baker

**UNITED STATES PATENT AND TRADEMARK OFFICE**

United States Department of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
WASHINGTON, DC 20231  
www.uspto.gov

HOLLIE L. BAKER  
HALE & DORR LLP.  
60 STATE STREET  
BOSTON, MA 02109

Paper No: 49  
Appeal No: 2003-1678  
Appellant: BENNETT, D. CLARK  
Application: 08/722,659

**MAILED**

JUN 27 2003

PAT. & TM. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

## Board of Patent Appeals and Interferences Docketing Notice

Application 08/722,659 was received from the Technology Center at the Board on June 11, 2003 and has been assigned Appeal No: 2003-1678.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 4, 2002  
Reply Brief filed on: March 13, 2003  
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

HALE & DORR DOCKETING  
RE: 107385. 140 652  
Action Date: 7-13-03  
Action to be Taken: DLD  
Docketed By: BMB On: 7-8-03

Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

BENNETT *et al.*

Serial No.: 08/722,659

Filed: September 27, 1996

For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE

Group Art Unit: 1644

Examiner: A. DeCloux

Commissioner for Patents  
Washington, D.C. 20231**DECLARATION UNDER 37 C.F.R. § 1.132  
OF ARIANE HSIA**

I, Ariane Hsia, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Brigitte Grouix, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

this \_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Ariane Hsia

Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
BENNETT *et al.* ) Group Art Unit: 1644  
Serial No.: 08/722,659 ) Examiner: A. DeCloux  
Filed: September 27, 1996 )  
For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE )

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF ELIZABETH CAUCHON**

I, Elizabeth Cauchon, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Dominique Fink, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

this \_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Elizabeth Cauchon



Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                      |
|--|---|----------------------|
| In re Application of:                                    | ) |                      |
| BENNETT <i>et al.</i>                                    | ) | Group Art Unit: 1644 |
|  | ) |                      |
| Serial No.: 08/722,659                                   | ) | Examiner: A. DeCloux |
|  | ) |                      |
| Filed: September 27, 1996                                | ) |                      |
|  | ) |                      |
| For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE | ) |                      |

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132**  
**OF DOMINIQUE FINK**

I, Dominique Fink, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Brigitte Grouix, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.

2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.

3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.

4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

\_\_\_\_\_  
Dominique Fink

this \_\_ day of \_\_\_\_\_, 2003.

Attorney Docket No. 104385.140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                      |
|--|---|----------------------|
| In re Application of:                                    | ) |                      |
| BENNETT <i>et al.</i>                                    | ) | Group Art Unit: 1644 |
|  | ) |                      |
| Serial No.: 08/722,659                                   | ) | Examiner: A. DeCloux |
|  | ) |                      |
| Filed: September 27, 1996                                | ) |                      |
|  | ) |                      |
| For: USE OF HEPARINASE TO DECREASE INFLAMMATORY RESPONSE | ) |                      |

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. § 1.132  
OF BRIGETTE GROUX**

I, Brigitte Groux, do hereby declare that:

1. I am a joint inventor of the subject matter claimed in the above-identified application, along with Elizabeth Cauchon, Dominique Fink, Ariane Hsia, Joseph Zimmermann, D. Clark Bennett, and Pamela Danagher.
2. I am informed and believe that U.S. Patent No. 5,997,863 ("the '863 patent"), a copy of which is attached as Exhibit A, has been cited against the claims of the above-identified application. In particular, I am informed and believe that Example 8 found at col. 17, line 63-col. 18, line 29 has been cited against the above-captioned application in a prior art rejection.
3. While I am a co-inventor of the above-captioned application, I did not make an inventive contribution to the subject matter recited in paragraph 2. In particular, I was not involved in the animal model work described in Example 8 involving the local administration of heparinase to enhance revascularization, described generally at col. 17, line 63-col. 18, line 29.
4. The undersigned declares further that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Signed at \_\_\_\_\_

this \_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Brigette Grouix